

REMARKS/ARGUMENTS

Following entry of the foregoing amendments, claims 1 and 5 to 13 will be pending in the application. Claims 1 and 12 have been amended, and claims 14 to 19 have been canceled herein, without prejudice. No new claims have been added.

Applicants respectfully request reconsideration of the rejections of record in view of the foregoing amendments and the following remarks.

Alleged Lack of Enablement

A. Claim 15 has been rejected under 35 U.S.C. § 112, first paragraph for alleged lack of enablement. Applicants respectfully submit that, for reasons already of record, the specification enables those skilled in the art to make and use the full scope of the subject matter defined by claim 15 without undue experimentation, and the Office Action has failed to meet its burden in establishing that the claimed subject matter is not enabled.

Nevertheless, to advance prosecution, claim 15 has been canceled, without prejudice, obviating the rejection. Accordingly, Applicants respectfully request withdrawal thereof.

B. Claims 1, 5 to 11, and 14 to 19 have been rejected under 35 U.S.C. § 112, first paragraph for lack of enablement because the specification allegedly fails to enable Alk¹ in the compounds of formula (1a) equaling a C₁₋₆ heteroaliphatic chain containing one, two, three, or four heteroatoms or heteroatom-containing groups. Applicants respectfully submit that, as discussed in the Reply filed June 6, 2003, the specification enables those skilled in the art to make and use the full scope of the subject matter defined by the claims without undue experimentation. Nevertheless, to advance prosecution, claim 1 has been amended to replace the phrase "optionally substituted C₁₋₆ heteroaliphatic chain containing one, two, three or four

heteroatoms or heteroatom-containing groups” with the phrase “an optionally substituted chain selected from $-L^2CH_2-$, $-CH_2L^2CH_2-$, $-L^2(CH_2)_2-$, $-CH_2L^2(CH_2)_2$, $-(CH_2)_2L^2CH_2-$, $-L^2(CH_2)_3-$, and $-(CH_2)_2L^2(CH_2)_2$.” Support for the amendments is found in the specification as originally filed at, for example, page 9, lines 22 to 24. The rejection has been obviated, and Applicants respectfully request withdrawal thereof.

Claims 1, 5 to 11, and 14 to 19 have also been rejected under 35 U.S.C. § 112, first paragraph because the specification allegedly fails to enable the treatment of all diseases or disorders involving inflammation in which the extravasation of leukocytes plays a role. Applicants respectfully submit that the specification does enable those skilled in the art to treat diseases or disorders involving inflammation in which the extravasation of leukocytes plays a role, and the Office Action has failed to provide any credible evidence or reasoning as to why the truth or accuracy of the direction provided in the specification should be doubted, as discussed in the Request for Reconsideration filed December 17, 2002. Nevertheless, to advance prosecution, claims 14 to 19 have been cancelled, without prejudice, obviating the rejection. Accordingly, Applicants respectfully request withdrawal thereof.

Alleged Indefiniteness

Claims 1, 12, and 14 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite for recitation of the phrase “salts, solvates, hydrates and N-oxides thereof.” The Office Action asserts that Applicants are only claiming “A compound” in each claim, while the cited phrase implies that more than one compound is being claimed. (Office Action dated March 12, 2003, page 6). Applicants respectfully submit that they are, in fact, claiming more than one compound. Specifically, Applicants are claiming every compound

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REPLY FILED UNDER EXPEDITED
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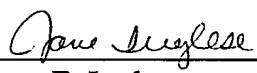
that falls within the scope of the cited claims. Nevertheless, to advance prosecution, claims 1 and 12 have been amended to recite "salts, solvates, hydrates or N-oxides thereof" according to the Office Action's suggestion.¹ The rejection has been obviated, and Applicants respectfully request withdrawal thereof.

Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable Action is respectfully requested.

Respectfully submitted,

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¹ As previously discussed, claim 14 has been canceled.